

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNETH M. GREGORY,

Plaintiff,

No. C 09-1800 PJH

v.

ORDER

CITY AND COUNTY OF SAN
FRANCISCO,

Defendant.

Before the court is plaintiff's motion for yet another enlargement of time, in which plaintiff seeks to enlarge the time to "file his motion for summary judgment," from September 15, 2010 to October 13, 2010.

By way of background, defendant filed its pending motion for summary judgment on June 25, 2010, with an original hearing date noticed for July 30. In opposition to defendant's motion, plaintiff filed a motion to continue the summary judgment hearing pursuant to Federal Rule of Civil Procedure 56(f). On August 6, 2010, the court issued an order denying plaintiff's request for a continuance on Rule 56(f) grounds, but nonetheless granting the request on grounds that a motion to compel was currently pending before the Magistrate Judge, the results of which could impact plaintiff's ability to meaningfully oppose defendant's motion. To that end, the court instructed plaintiff to file his opposition to defendant's motion two weeks after either the Magistrate Judge's order denying the motion to compel, or defendant's production of further discovery pursuant to an order granting the motion to compel. Plaintiff was furthermore instructed that "no further continuances" would be granted.

On August 13, 2010, the Magistrate Judge issued its order granting in part and

1 denying in part the motion to compel, and on August 27, the court issued a scheduling
2 order instructing plaintiff to file his opposition to defendant's summary judgment motion no
3 later than September 15, 2010.

4 As a preliminary matter, although plaintiff is requesting an enlargement of time with
5 respect to the filing of "his motion for summary judgment," the court clarifies for plaintiff that
6 the deadlines imposed in this action relating to summary judgment concern the filing of
7 plaintiff's *opposition* to defendant's motion for summary judgment, *not* plaintiff's own motion
8 for summary judgment. Plaintiff has not moved for summary judgment in this action. Thus,
9 plaintiff's request for an enlargement of time pertains to his filing of an opposition brief only.

10 With respect to plaintiff's request for a continuance, although the court earlier
11 explained to plaintiff that no further continuances would be granted, the court will
12 nonetheless GRANT plaintiff's request for one last continuance, in view of the intervening
13 orders that have issued since the court's prior warning. Plaintiff's **opposition** to
14 defendant's summary judgment motion shall therefore be due no later than October 13,
15 2010. Defendant's reply brief shall be due no later than October 20, 2010. The matter will
16 be deemed submitted on the papers once briefing is complete.

17 Plaintiff is furthermore instructed that this is the last time the court will enlarge the
18 time for plaintiff to oppose defendant's motion or otherwise continue any dates relating to
19 defendant's motion. If plaintiff misses the October 13 deadline for filing his opposition, the
20 court will adjudicate defendant's motion on the basis of the papers already filed by plaintiff
21 in the action.

22 **IT IS SO ORDERED.**

23 Dated: September 15, 2010



24
25 PHYLLIS J. HAMILTON
26 United States District Judge
27
28